

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

von BORSTEL et al

Atty. Ref.: LCM-1331-352

**Appeal No. 2009-6985**

TC/A.U.: 1623

Serial No. 09/930,494

Filed: August 16, 2001

Examiner: Patrick T. Lewis

For: COMPOSITIONS AND METHODS FOR TREATMENT OF  
MITOCHONDRIAL DISEASES

\* \* \* \* \*

July 22, 2009

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

As suggested by 37 C.F.R. 1.97, the undersigned attorney brings to the attention of the Patent and Trademark Office the references listed on the attached form PTO/SB/08a.

Copies of U.S. Patent Publications are not required and are therefore not attached.

This is not to be construed as a representation that a search has been made or that no better prior art exists, or that a reference is relevant merely because cited.

The Examiner is requested to initial the attached form PTO/SB/08a and to return a copy of the initialed document to the undersigned as an indication that the attached references have been considered and made of record.

The undersigned attorney of record hereby certifies under 37 C.F.R. §1.97(e) that each item of information referenced herein and attached hereto was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months ago prior to the filing of this Information Disclosure Statement.

Pursuant to Rule 37 C.F.R. §1.97(c), a fee of \$180.00 as specified in Rule 17(p) is attached. If there is any shortage in the fee, please charge the deposit account of Nixon & Vanderhye, Account No. 14-1140.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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